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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,010	06/26/2001	Xuemin Chen	45463/JEJ/B600	1542
23363	7590	08/26/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068				HANEY, MATTHEW J
ART UNIT		PAPER NUMBER		
2613		6		

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/892,010	CHEN, XUEMIN
	Examiner Matthew Haney	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 6.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha (US 6,639,943 B1) in view of Tan (US 6,542,549 B1).

As for claims 1-10, and 19-29 Radha teaches of generating a bitstream comprising of one or more base VOPs and also generating a first enhancement bitstream comprising of one or more first enhancement VOPs (Note: One example of coding is to produce base layer frames along with temporal enhancement frames, Column 2, Lines 14-27); wherein the encoding comprises MPEG-4 encoding (Column 5, Line 3); further comprising a second enhancement bitstream with one or more second enhancement VOPs (Note: Two streams of enhancement layer frames are produced including a temporal enhancement streams and a FGS enhancement stream, Column 6, Lines 56-67); the use of fine granularity scalability encoding, wherein the first enhancement bitstream comprises FGS bitstream and the first enhancement VOPs comprising FGS VOPs (Note: Figure 8D); the second enhancement bitstream comprises FGS temporal scalability bitstream and the second enhancement VOPs comprise FGST VOP's (Note: Figure 8D and Column 6, Lines 56-67); the method further comprising the

step of combining the first and second enhancement bitstreams to generate a single bitstream (Column 6, Lines 63-67); the method further comprising of packetizing the base and enhancement bitstream and multiplexing the packetized bitstreams to generate a transport system (Figure 7 and Column 7, Lines 46-61); the base encoder performs discrete cosine transform on the video stream to generate DCT coefficients and wherein the DCT coefficients are provided as the processed video data to the enhancement encoder (Figure 7 and Column 7, Lines 38-60). Radha does not teach of time stamping the base and enhancement layers using PTS and DTS and setting the respective PTS's equal along with the DTS of the enhancement to one of the DTS's of the bases; along with setting the DTS and PTS of the second enhancement layer equal to each other(Tan, US 6,542,549 - Figure 6 and Column 7, Lines 11-39); wherein the first DTS is selected to be different from the second DTS's (Tan, US 6,542,549 - Column 6, Lines 9-10); wherein the second DTS associated with each second enhancement VOP represents an interval that is right after the later of the two intervals represented by the two base DTSs associated with its two corresponding base VOPs (Tan, US 6,542,549 - Figure 6 and Column 6, Lines 43-47), however, Tan does. It would have been obvious to one skilled in the art to provided the timing described by Tan to Radha because of the need to be able to evaluate the frames in real time and over networks where the timestamps could be easily deciphered by the decoder, making for a quicker and more organized deciphering without a high error.

As for Claims 11-18 and 30-38, most of the limitations of these claims have been noted in the above rejection of claims 1-10 and 19-29. The decoder mentioned in

claims 11-18 and 30-38 can be fully disclosed by Figure 11 in Radha (US 6,639,943 B1).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen (US 5,886,736) discloses an encoder and decoder system that employs the use of DTSs and PTSs. Suzuki (US 6,567,427) discloses an encoder and decoder system that employs two enhancement layers and a base layer along with VOP dividers used with each.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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